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Keith Collinsworth., P.G.

Federal Facility Liaison

South Carolina Department of
Health & Environmental
Control



Introduction

- DOD Success Stories in South Carolina
- Formerly Utilized Defense Sites (FUDS)
- Land Transfers of Federal Facility Property
- New South Carolina Legislation

DOD Success Stories in South Carolina

- All of the active and BRAC DOD facilities have partnering teams that ensure that all parties are comfortable with cleanup decisions before they are made. No surprises means good relationship.
- DSMOA funding has allowed DOD cleanups to move faster than commercial site cleanups.



Success Stories

- All active and BRAC DOD facilities have very good environmental compliance (air, water, waste management) with permits, orders and agreements.
- Three DOD facilities are members of the South Carolina Environmental Excellence Program (U.S. Air Force Base, Charleston, U.S. Naval Hospital, Beaufort, and U.S. Naval Weapons Station, Charleston) of which there are only 22 members Statewide.



Two Main DOD Issues South Carolina is Working to resolve in 2002

- Trying to get “in the loop” on decisions made by the Army Corp of Engineers (ACE) on Formerly Utilized Defense Sites (FUDS)
- Property Transfers of Federal Facility Property

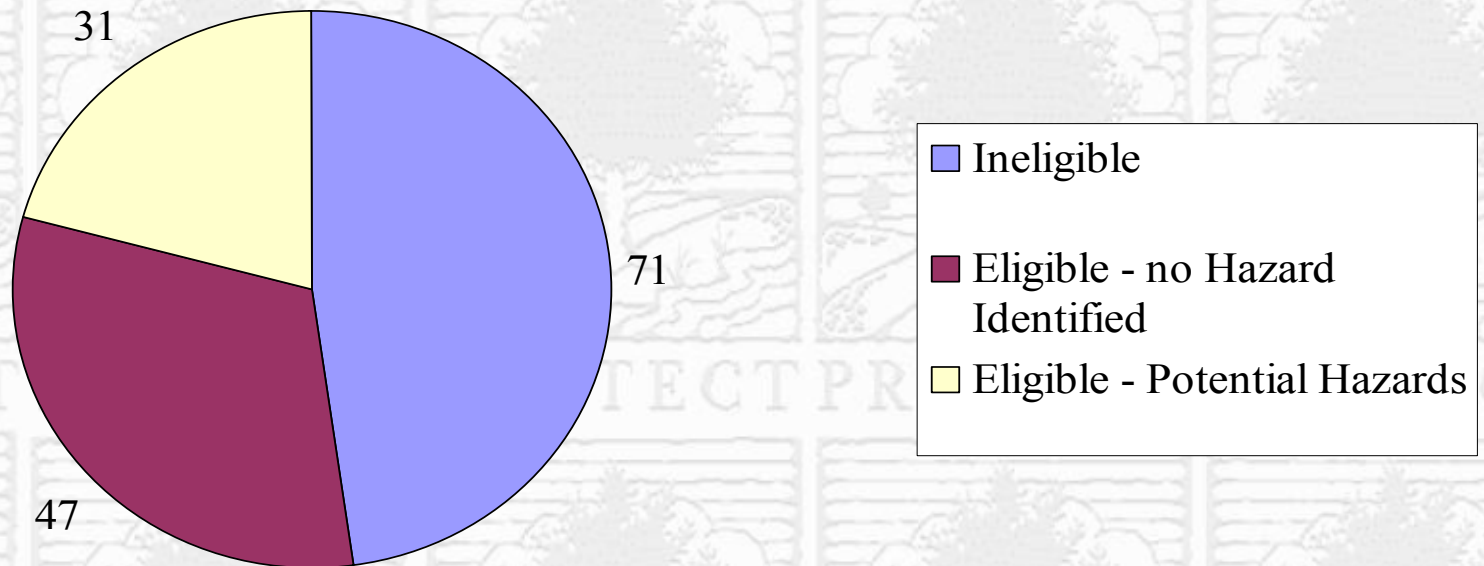


1) Formerly Utilized Defense Sites (FUDS)

- **Cleanup Progress:** Concerned with progress of characterization and cleanup of FUD sites in South Carolina where hazards have been identified. Information of activities at these sites currently communicated to DHEC through the public notice process.
- **Screening of all eligible Sites:** SC is concerned about the universe of sites that have been determined no further action. These decisions were made by ACE without any coordination with DHEC.

South Carolina FUDS Inventory

149 Sites



FUD's Current Status

- South Carolina is Participating in a ACE initiative called the Management Action Plan (MAP) process in order to improve communication and create partnership between SC and ACE with regard to FUD's.
- Only two MAP meetings- So far not very productive- ACE being with represented by District personnel who have been non-responsive to us in past. MAP meetings appear to follow old pattern.

FUDS Current Status (cont.)

- Have yet to determine if MAP process will only address FUDs where hazards have been identified or whether this process is going to be used to work with ACE to get handle on all of the eligible sites.

2) Transfer of Federal Property

What mechanisms should be put in place to ensure Land Use Controls are maintained after transfer of Property?

DHEC Land Use Control Tools

- Enforceable document with Federal Facility (Permit, Order, Agreement, Record of Decision)
- Restrictive Covenant on Deed of land needing Land Use Controls.
- Voluntary Cleanup Contract with New Owner for liability transfer and reporting requirements.

What This New Approach Accomplishes

- Ensures someone is responsible and liable for ensuring Land Use Controls are maintained at properties into the future.
- Relieves Federal Facility of day to day land management such as maintaining and reporting land use restrictions on property they no longer own.
- Federal Facility retains liability in the event anything new is found on the property after transfer.

(Cont.)



What This New Approach Accomplishes

- Promotes redevelopment of “brownfield” properties by not having the new owner become a RCRA owner or a responsible party to CERCLA ROD.
- Restrictive covenant ensures that the liability for maintaining the land use restrictions remains with the current land owner even if property is transferred multiple times into the future.

New SC Legislation affecting Federal Facilities

South Carolina Environmental Innovations Pilot Program

- Legislation gives DHEC the authority to allow regulatory variances through a cooperative agreement entered into with the participating facility. These variances would be given to allow for the facility to try innovative approaches through the implementation of an Environmental Management System (EMS)(i.e., iso-14000 or other) to achieve superior environmental performance.



South Carolina Environmental Innovations Pilot Program

- In order to participate must be member or eligible to be member of the South Carolina Environmental Excellence Program.
- The cooperative agreement must specify each permit or provision of a permit and any provisions of law or regulation for which variances are granted. All other requirements applicable to the facility and not covered by the agreement remain in effect.

South Carolina Environmental Innovations Pilot Program

- Agreements are in effect for up to five years renewable once for up to five additional years.
- Agreements are enforceable and may be revoked if violations occur.

South Carolina Summary

- Making very **good progress on cleaning up** the active Bases. Have very **good partnerships** to ensure all sides are comfortable with decisions before going forward.
- Active bases in South Carolina have a **very good record on environmental compliance** (air, water and waste mgmt) with **three Federal Facilities** being members of the South Carolina **Environmental Excellence Program** (U.S. Air Force Base, Charleston, U.S. Naval Hospital, Beaufort, and U.S. Naval Weapons Station, Charleston) of which there are only 22 members.



South Carolina Summary

- Still an **enormous** amount of **improvement needed** on the communication and decision making process between ACE and South Carolina on implementing the **FUDS** program.
- Using the Charleston Naval Complex as a model, DHEC, working with the Navy, is **developing a land transfer protocol** that will apply to all sites in SC.

South Carolina Summary

- New **regulatory flexibility** available to sites in South Carolina who demonstrate or have demonstrated a high degree of environmental management. **South Carolina Environmental Innovations Pilot Program.**

Questions?

Contact Information:

Keith Collinsworth, P. G.
Federal Facility Liaison
Environmental Quality Control
South Carolina Department of Health & Environmental
Control
2600 Bull St
Columbia, SC 29201
(803) 896-8955
(803) 896-8999 (Fax)
E-mail: collinka@dhec.state.sc.us

